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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,116	04/18/2006	Marcin Rejman	3616	4803

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Striker, Striker & Stenby
103 East Neck Road
Huntigton, NY 11743

EXAMINER

DAVIS, PATRICIA A

ART UNIT	PAPER NUMBER
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4111

MAIL DATE	DELIVERY MODE
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02/12/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,116	Applicant(s) REJMAN ET AL.	
	Examiner PATRICIA DAVIS	Art Unit 4111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/18/06; 11/24/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 4, it is unclear to what the limitation “bp” is being referred to in the claim. There is insufficient antecedent basis for this limitation in the claim. It is suggested to amend the claims to clearly define what “bp” is being discussed to in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

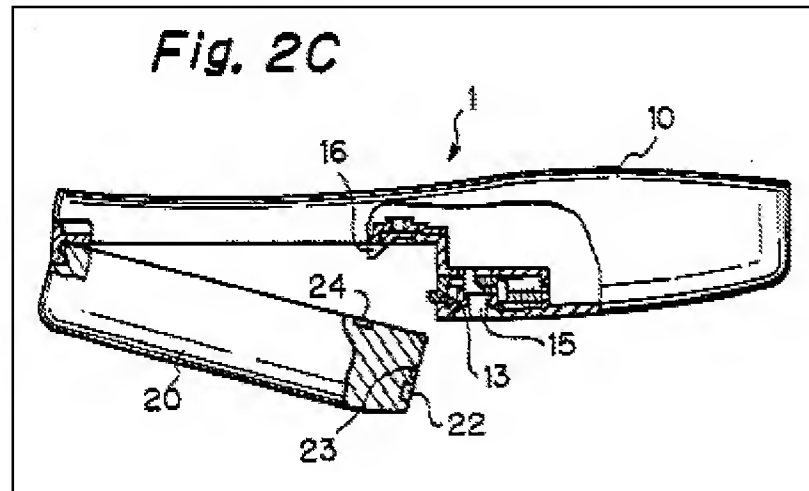
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-7, 9 and 10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Komiyama (U.S. Patent No. 5,621,618).

Regarding claim 1, Komiyama teaches a device for locking electrical devices with battery packs for power supply, in which the electrical device have one movable locking bar (movable hook 13) and the battery pack (20) has at least two recesses (22, 23), where the recess are located one after the other in the relative motion between the

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electrical device and the battery pack and the locking bar engages one of the recesses and the recesses are different shapes and dimensions and the locking bar (moveable hook) engages in either only the front recess (23) or only the rear recess (22) or successively the front recess then the rear recess (see col. 3, lines 30-47; fig. 2C).

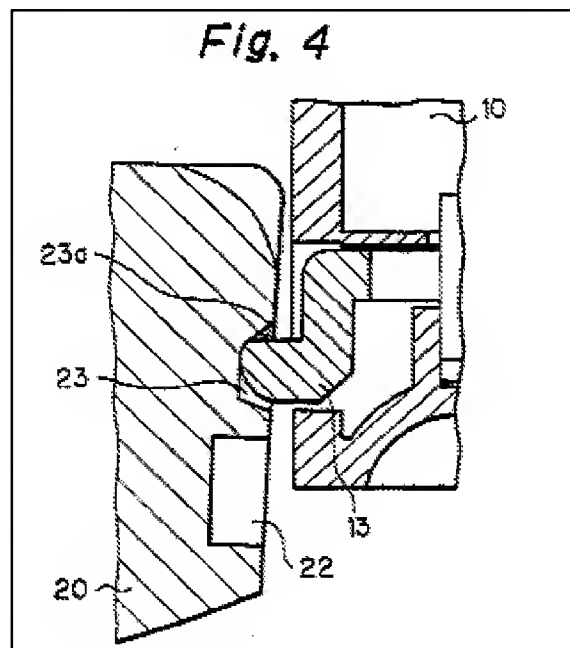


Regarding claims 5-7, Komiyama teaches that the recesses (22, 23) are differently shaped and of different dimensions and are offset each other (see col. 3, lines 15-25; fig. 4).

Regarding claim 9, Komiyama teaches a battery pack (20) for locking to an electrical device (handy phone 1) includes a movable locking bar (moveable hook 13), a battery pack (20) with two recesses (22, 23) that are located one after the other upon locking in the relative motion between the electrical device and the battery pack (20), and the recesses (22, 23) are shaped or of different dimensions and are offset from one another in the direction of motion (see col. 3, lines 15-25; col. 4, lines 14-17; figs. 2C and 4).

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Regarding claim 10, Komiyama teaches an electrical device (handy phone 1) for locking with a battery pack (20) which includes a movable locking bar (moveable hook 13) and the electrical device (handy phone 1) has at least two recesses (22, 23) that upon locking are located one after the other in the relative motion between the electrical device and the battery pack (20), characterized in that the recesses are differently shaped or of different dimensions or offset from one another transversely to the direction of motion (see col. 3, lines 15-25; col. 4, lines 14-17; figs. 2C and 4).



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

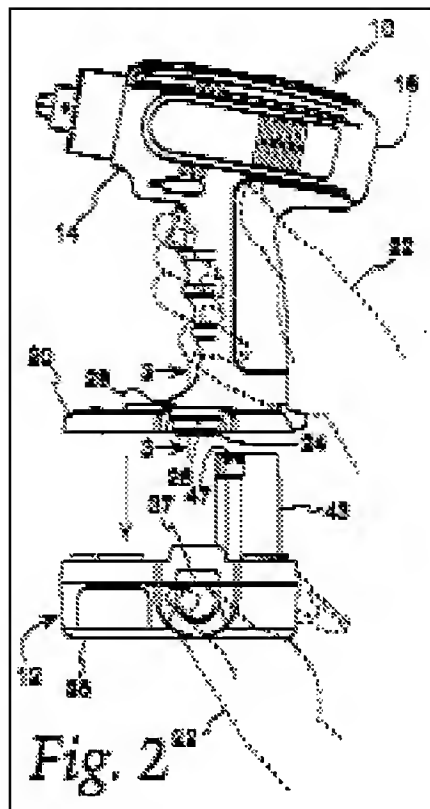
Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Komiyama in view of Fischer et al. (U.S. Patent No. 6,168,881) (hereinafter "Fischer").

Regarding claim 2, Komiyama does not specifically teach the contact between the batteries of the battery pack and a current circuit of the consumer electrical device is made upon the engagement of the locking bar with the recess.

Komiyama teaches a combination of an electrical device (10) and a battery pack (20).

However, Fischer teaches that when the battery pack comes into contact with the battery latch mechanism (locking bar 37) it is coupled electrically and forms an electrical current in order to facilitate an effective communication between device components for operation (see col. 4, lines 22-48; fig. 2). In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (the particular placement of a contact in a conductivity measuring device was held to be an obvious matter of design choice) (MPEP 2144.04, VI., C.).

Therefore, it would be obvious to one with ordinary skill in the art to combine an electrical device with a battery pack to one that forms an electrical current when it is in contact with the latch mechanism with a recess in order to facilitate effective electrical communication between device components for operation



Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komiyama in view of Song et al. (U.S. Patent No. 7,476,642) (hereinafter "Song").

Regarding claim 3, Komiyama teaches that a protrusion (stop 23b) is in the recess which permits the engagement of a locking bar (moveable hook 13) (see col. 4, lines 1-9; fig. 4)

Komiyama does not teach a locking bar with a cutout that receives the protrusion.

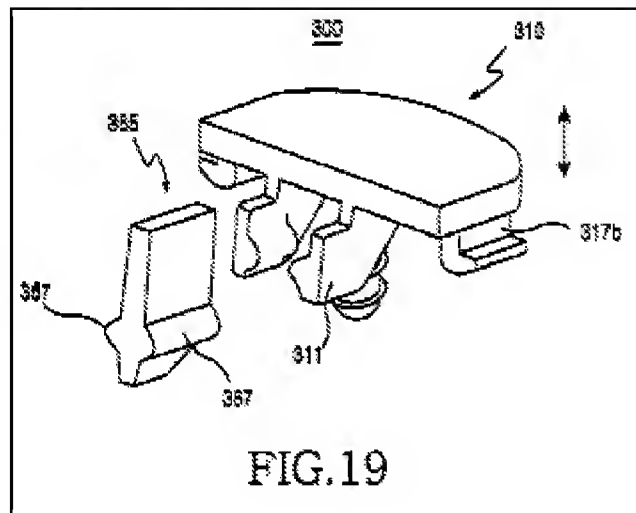
The applicant is advised that the Supreme Court recently clarified that a claim can be proved obvious merely by showing that the combination of known elements was obvious to try. In this regard, the Supreme Court explained that, "[w]hen there is a design need or market pressure to solve a problem and there are a finite number of

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identified, predictable solutions, a person of ordinary skill in the art has a good reason to pursue the known options within his or her technical grasp.” An obviousness determination is not the result of a rigid formula disassociated from the consideration of the facts of the case. Indeed, the common sense of those skilled in the art demonstrates why some combinations would have been obvious where others would not. The combination of familiar elements is likely to be obvious when it does no more than yield predictable results. See *KSR Int’l v. Teleflex Inc.*, 127 Sup. Ct. 1727, 1742, 82 USPQ2d 1385, 1397 (2007) (see MPEP § 2143).

In that regard, Song teaches a locking bar (button member 310) with a cutout (tension ribs 311) that can receive the protrusion so that the locking bar can be locked and mounted into place to facilitate an electrical communication (see col. 8, lines 32-62; fig. 19).

Therefore, it would be obvious to one with ordinary skill in the art to combine a recess with a protrusion to a locking bar with a cutout design so that it can receive the protrusion and keep the locking bar in place and to facilitate an effective electrical communication.

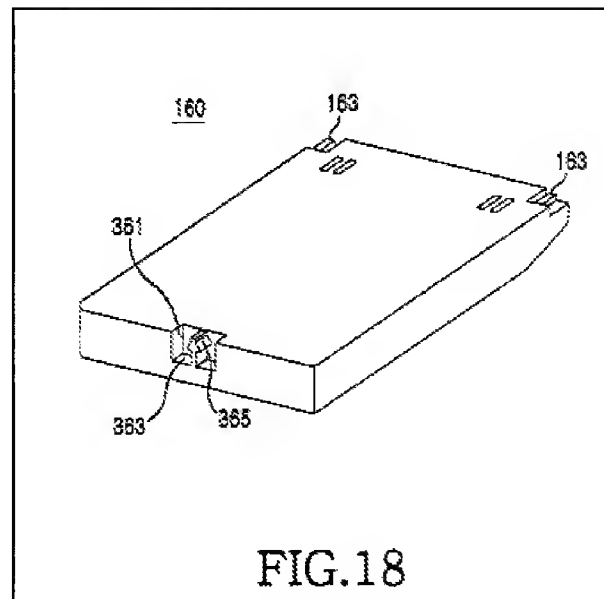


Regarding claim 4, Komiyama teaches a battery pack (20) with a recess and a locking bar (moveable hook 13).

Komiyama does not teach that the battery pack has a rib in the recess and the cutout is a slot in the locking bar.

However, Song teaches a battery pack (160) with a rib (tension rib 365) in the recess (rib groove 361) and a cutout is a slot in the locking bar (locking device 300) to keep the parts locked and so that the locking bar can be mounted into place to facilitate an electrical communication (see col. 8, lines 14-62; figs. 18 and 19). The combination of familiar elements is likely to be obvious when it does no more than yield predictable results. See *KSR Int'l v. Teleflex Inc.*, 127 Sup. Ct. 1727, 1742, 82 USPQ2d 1385, 1397 (2007) (see MPEP § 2143).

Therefore, it would be obvious to one with ordinary skill in the art to combine the battery pack with a recess to have a rib and cutout to prevent the keep the parts locked and mounted with each other and to facilitate an electrical communication between the parts.



Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Komiya (U.S. Patent No. 5,621,618).

Regarding claim 8, Komiya teaches all of the positively recited elements of claim 1.

Komiya teaches that the locking bar (moveable hook 13) is located in the electrical device (portable electronic apparatus casing 10) and that the recesses (22, 23) are located in the battery pack (20) (see col. 3, lines 27-39; fig. 2C). The mere duplication of parts, without any new or unexpected results, is within the ambit of one of ordinary skill in the art. See *In re Harza*, 124 USPQ 378 (CCPA 1960) (see MPEP § 2144.04).

Therefore, it would be obvious to one with ordinary skill in the art to incorporate more locking bars if only to keep the battery pack in place.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICIA DAVIS whose telephone number is (571)270-7868. The examiner can normally be reached on 7:30am-5pm EST. Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sines can be reached on 571-272-1263. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P.D.

/Brian J. Sines/
Supervisory Patent Examiner, Art Unit 4111